

ASSIGNED

APPLICATION FOR PERMIT

Serial No. 6225

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 30 1920  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed \_\_\_\_\_

The undersigned Angelo Depaoli  
Name of applicant.  
of Eureka, County of Eureka,  
State of Nevada, hereby make s application for  
permission to appropriate the public waters of the State of Nevada,  
as hereinafter stated. (If applicant is a corporation give date and  
place of incorporation.) \_\_\_\_\_

1. The source of the proposed appropriation is Simpson Creek  
Name of stream, lake, or other source.
2. The amount of water applied for is \_\_\_\_\_ second-feet.  
One second-foot equals 40 miners' inches.
3. The water to be used for irrigation and domestic use.  
Irrigation, power, mining, manufacturing, domestic, or other use.
4. The water is to be diverted from its source at the following  
point: This is an application for change in place of use, and  
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land it should be so stated.  
point of diversion of water. (SEE SUPPLEMENTAL SHEET )

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is \_\_\_\_\_
- (b) Description of land to be irrigated \_\_\_\_\_  
Describe by legal subdivision, or if on unsurveyed land it

should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Irrigation will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
Month.  
\_\_\_\_\_, of each year.  
Month.

IF WATER IS TO BE USED FOR POWER, MINING, TRANSPORTATION, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located \_\_\_\_\_  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.
- (g) Remarks \_\_\_\_\_

## DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoirs it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works \_\_\_\_\_

6. Estimated time required to construct works \_\_\_\_\_

7. Remarks \_\_\_\_\_

For use of applicant.

\_\_\_\_\_, Applicant.

By \_\_\_\_\_

Compared \_\_\_\_\_

This sheet inspected \_\_\_\_\_

\_\_\_\_\_, Engineer.

### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed \_\_\_\_\_ cubic feet per second.

Actual construction work shall begin on or before \_\_\_\_\_

Proof of commencement of work shall be filed before \_\_\_\_\_

Work must be prosecuted with reasonable diligence and be completed on or before \_\_\_\_\_

Proof of completion of work shall be filed before \_\_\_\_\_

Application of water to beneficial use shall be made on or before \_\_\_\_\_ Proof of the application of water to beneficial use must be filed with State Engineer on or before \_\_\_\_\_

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day

of \_\_\_\_\_

State Engineer.

APPLICATION FOR PERMISSION TO CHANGE THE PLACE OF USE AND  
POINT OF DIVERSION OF THE WATERS OF THE STATE OF  
NEVADA

No. Date of first receipt and filing in state engineer's office; JUL 30 1920  
Proof of appropriation filed, date unknown, Proof No. 01085, Certificate  
Record No. 149; Book No. 2; Page 149. Certificate of appropriation dated  
March 31st, 1913. Right granted to Pete Edera under the above filings.

The undersigned Angelo Depaoli, of Eureka, County of Eureka,  
state of Nevada, hereby makes application to change the place of use  
and point of diversion of waters heretofore appropriated and benefic-  
ially used as hereinafter shown.

1. The source of water supply proposed to be changed is Simpson Creek.
2. The quantity of water desired to be changed is one day use of all the water of Simpson Creek in each six days, as more fully set out hereinafter under "Remarks".
3. The water is to be used for irrigation and domestic use.
- (4. The water is to be diverted from its source at the following points: Ditch No. 1, on the south side of Simpson Creek, in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 16; and ditch No. 2, on the north side of Simpson Creek, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 16, T 19 N. R. 54 E. M. D. B & M, Eureka County, Nevada.
5. The existing point of diversion under the former appropriation is as follows; Italian Ranch Ditches Nos. 1 and 2, both of which said ditches being and lying near the NW corner of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 5, T 19, N. R. 54 E. M. D. B & M. Eureka County, Nevada. As shown under proof No. 01085.
6. The water, herewith desired to be changed, has been beneficially and continuously used upon the following described lands: 18.26 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; 17.23 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; and .5 of an acre in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; all lying in Sec. 31, T 20 N, R 54 E, M. D. B & M. Eureka County, Nevada.
7. Number of acres heretofore irrigated is 35.99 acres.
8. Number of acres proposed to be irrigated is 133.5 acres one day out of each alternate six days.
9. Description of the land proposed to be irrigated is; 133.5 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and E $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 16, SW $\frac{1}{4}$  Sec. 9, E $\frac{1}{2}$  Sec. 8, NW $\frac{1}{4}$  Sec. 8, and SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 5, all in T 19 N, R. 54 E., M. D. B & M.
10. Description of proposed works; Depaoli Ditches Nos. 1 and 2, as shown under proofs No. 01133.
11. Estimated costs of proposed works is; Nothing, for the reason that the lands to be irrigated are the same as are now irrigated under proofs No. 01133, and the source of supply is the same as that under proofs No. 01133.
12. No time will be required to construct works, because all works necessary to proper conversion are already constructed.
13. Irrigation will begin about April 1st. of each year and end about October 1st. of each year.
14. The water has been used heretofore during the months of April, May, June, July, August, September of each year.
15. REMARKS: Proof No. 01085, certificate record No. 149, Book 2, page 149 is the record evidence of the water right formerly owned by Pete Edera, and which said right has been acquired by Angelo Depaoli, the applicant herein. The application is for the purpose of changing the use of the water from the lands formerly owned by Pete Edera, as shown in proof No. 01085, to the lands owned by Angelo Depaoli as shown in this application. The water right for the lands owned by Angelo Depaoli, exclusive of the lands formerly owned by Pete Edera, is evidenced by proofs Nos. 01133 and 01133, certificate records No. 152 and 148 respectively. Under proof No. 01085 Depaoli is entitled to the use of all the water of Simpson Creek one day out of each alternate six days upon the lands formerly owned by Pete Edera, and under proofs No. 01133 and 01133 Depaoli is entitled to the use of all the water of Simpson Creek three days out of each alternate six days upon the Depaoli ranch. If this application be granted it will result in the use of all the water of Simpson Creek by Depaoli four days out of each six days upon the Depaoli lands described herein. The right to the use of the water of Simpson Creek the remaining two days out of each alternate six days is owned by Mr. Wattles, grantee of Antone Tognoni.)

Angelo Depaoli has under cultivation approximately 133.5 acres of land, and a three day use out of each alternate six days of all the water of Simpson Creek is insufficient properly to irrigate that number of acres. A use of all the water of Simpson Creek four days out of each alternate six days upon the lands owned by Angelo Depaoli and which are hereinabove described, will not exceed the maximum amount of water per acre allowed by law. Therefore, if the water now appurtenant to the lands known as the Edera ranch is permitted to be changed and become appurtenant to the lands known as the Depaoli ranch, hereinabove described, it will result in a more economical use of the water of Simpson Creek.

The Depaoli ranch is the first ranch on the stream, and the Wattles Ranch (formerly owned by Antone Tognoni) is the next lower ranch on the stream, the cultivated lands of the Depaoli ranch and the Wattles ranch are divided by a highway. Therefore, there can be no shrinkage of water suffered by Wattles as a result of the change of use herein applied for. Mr. Depaoli, applicant herein, and Mr. Wattles are the only ranchers on the stream, and the Wattles ranch is in a compact form and adjoins the Depaoli ranch as above indicated.

Angelo Depaoli Applicant

By Reynolds & Eather His attorneys.

Compared J. F. Jones  
This sheet inspected  
Engineer.

#### APPROVAL OF STATE ENGINEER.

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This application, although entitled "An Application to Change the Place of Use and Point of Diversion", also seeks to change the manner of distribution of water from the source in question. By virtue of common practice for a great many years, water has been used on the "Depaoli Ranch" for three days out of each six days during the irrigation season, and on the other three ranches, of which the "Edera Ranch" is one, a day each during said six day period. Applicant herein now owns the "Edera Ranch" and the main purpose of this application is to change the one day's use of water from said ranch to the "Depaoli Ranch", thereby giving the latter four days' use of the water during the rotation period of six days. The application is, accordingly, allowed for the purposes desired, with the understanding that no other rights will be affected by the proposed change and further that no water whatsoever from Simpson Creek will be used on the "Edera Ranch". In the event new land is placed under cultivation by the additional water secured under this change, the applicant will be required to file a cultural map at the time of making proof of beneficial use, segregating said new land from that which has previously been irrigated within the "Depaoli Ranch" limits under claim of a vested right.

The amount of water herein desired to be changed shall be limited to the amount to which the "Edera" Ranch is entitled under claim of a vested right.

Actual construction work shall begin on or before June 30, 1926.  
Proof of commencement of work shall be filed before July 30, 1926.  
Work must be prosecuted with reasonable diligence and be completed on or before June 30, 1926.  
Proof of completion of work shall be filed before July 30, 1926.  
Application of water to beneficial use shall be made on or before June 30, 1928. Proof of the application of water to beneficial use must be filed with the State Engineer on or before July 30, 1928.

Proof of labor filed March 25, 1927

Proof of completion of work filed - 4-22-31

Map Filed AUGUST 12, 1931

Cultural Map Filed September 21, 1931

WITNESS MY HAND AND SEAL this 30th  
day of July, A.D. 1925.

John A. Allen  
State Engineer.

Certificate No. 1951 Issued April 13, 1933

Recorded April 15, 1933 Bk. B Page 73

Exe. No. County Records

Compared Angelo Depaoli